

Remarks

Preliminary Matters

Claims 1-14 are pending. No claims have been added or deleted. Claims 11 and 12 have become process claims.

No additional fees are required. If determined otherwise, the Office is authorized to charge Deposit Account No. 07-1077 for the amount.

§ 102 Rejections

Applicant has responded to the rejection of Claims 1-4 and 7-14 using U.S. Pat. No. 4,481,163 (Ota et al.) by altering Claim 1 to remove the non-persuasive process language and adding from the specification at page 5, line 10 and Claim 5 that the outer surface has *an etched pattern and a frosted matte finish*.

Page 5 of the specification explains the mold etching to form a pattern which is produced on the outer surface of the claimed molded thermoplastic product. The formation of the etched surface is a planned, precise event. A matte finish made using a sand-blasted mold or glass-bead-blasted mold is not desired because of the possibility of metal fatigue in the mold, resulting in erosion of the textured appearance on the molded part. Ota et al. teach using a sand-blasted mold (Col. 8, line 35 et seq.), which is not Applicant's invention.

Ota et al. also teach a technique that is far less refined. Ota et al. teach that the "bottle-shaped container of this invention having a frosted or ground surface is obtained from the pre-formed piece described above by the steps of blasting sand particles together with compressed air toward the outer peripheral wall surface 5...." Col. 3, lines 52-56 (Emphasis added).

Regardless of whether the mold or the part is sand-blasted, which Ota et al. state forms a "rough pattern", the sand-blasted effect is definitely not an etched pattern. Sand-blasting results in a random alteration of a surface; etching results in a planned pattern.

Applicant's Claims 1-4 and 7-14 are novel over Ota et al., because a sand-blasted plastic pre-formed piece or mold can not possibly equated with a precise, planned etched pattern on the outer surface of a molded product.

§ 103 Rejections

Applicant traverses the rejection of Claims 5-6 using Ota et al. because Ota et al. are not using a frost colorant additive in their thermoplastic formulation. Please see Applicant's specification at page for an explanation of the thermoplastic additive called a frost colorant. In addition to the frost colorant, Applicant states that various hues can be obtained with custom colors.

Ota et al. is concerned with a color of the container that has been sand-blasted. Applicant is using a commercially available chemical ingredient to generate the frosted effect within the molded thermoplastic product.

Therefore, Ota et al. does not render obvious the use of a frost colorant by Applicant. Claims 5 and 6 are patentable over Ota et al. for this reason and also because of the amendments made to Claim 1 which distinguish an etched pattern from a sand-blasted surface.

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Other Matters

Applicant has amended other product Claims 5-9 and 14 for dependent consistency. Applicant has also converted Claims 11 and 12 to process claims from product-by-process because of the non-persuasive nature of the process steps in determining patentability of the product. Support for the process claims is found in the specification beginning at page 2, line 28.

If there are any matters that prevent a Notice of Allowance, the Examiner is invited to contact the Undersigned by telephone.

Respectfully submitted by:

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Date

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